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Air Pollution Regulations in State Implementation Plans California, Tulare County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Tulare County

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Air Pollution Regulations in State Implementation Plans:

California

Tulare County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-43

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

TABLE OF CONTENTS

TULARE COUNTY REGULATIONS

Revised Standard Subject Index	Reg-Section Number	Title	Page
-	Reg. I	General Provisions	1
(2.0)	Section 101	Title	1
(1.0)	102	Definitions	1
(14.0)	103	Confidential Information	4
(14.0)	103.1	Inspection of Public Records	5
(15.0)	104	Enforcement	6
(16.0)	105	Order of Abatement	6
(2.0)	106	Land Use	6
(9.0)	107	Inspections	7
(9.0)	108	Source Monitoring	7
(9.0)	108.1	Source Sampling	8
(15.0)	110	Arrests and Notices to Appear	8
(2.0)	111	Circumvention	9
(2.0)	112	Circumvention	9
(2.0)	113	Separation and Combination	9
(2.0)	114	Severability	10
(2.0)	115	Applicability of Emission Limits	10
-	Reg. II	Permits	11
(3.0)	Section 201	Permits Required	11

Revised Standard Subject Index	Reg-Section Number	Title	Page
(2.0)	Section 202	Exemptions	12
(2.0)	203	Transfer	13
(3.0)	204	Applications	14
(3.0)	205	Cancellation of Applications	14
(3.0)	206	Action on Applications	14
(9.0)	207	Provision of Sampling and Testing Facilities	14
(3.0)	208	Standards For Granting Application	14
(2.0)	209	Conditional Approval	15
(3.0)	210	Denial of Applications	15
(2.0)	211	Further Information	16
(3.0)	212	Applications Deemed Denied	16
(2.0)	213	Appeals	16
(2.0)	214	Existing Sources	16
-	Reg. III	Fees	17
(3.0)	Section 301	Permit Fee	17
(3.0)	302	Permit Fee Schedules	19
(9.0)	303	Analysis Fees	23
(14.0)	304	Technical Reports - Charges For	23
(16.0)	305	Hearing Board Fees	23
-	Reg. IV	Prohibitions	24
(50.1.2)	Section 401	Visible Emissions	24
(2.0)	402	Exceptions	24
(50.1.2)	403	Wet Plumes	25

Revised Standard Subject Index	Reg-Section Number	Title	Page
(50.1)	Section 404	Particulate Matter	25
(51.3)	406	Process Weight - Portland Cement Kilns	26
(50.2)	407	Sulfur Compounds	26
(51.9)	407.1	Disposal of Solid or Liquid Waste	26
(51.5)	407.2	Fuel Burning Equipment - Combustion Contaminants	27
(51.5) (51.6) (51.7)	408	Fuel Burning Equipment	27
(51.7)	409	Fuel Burning Equipment - Oxides of Nitrogen	28
(50.4)	410	Organic Solvents	28
(50.4)	410.1	Architectural Coatings	31
(50.4)	410.2	Disposal and Evaporation of Solvents	31
(51.16)	411	Storage of Petroleum Products	31
(51.16)	412	Gasoline Transfer Into Stationary Storage Containers	32
(51.16)	412.1	Transfer of Gasoline Into Vehicle Fuel Tanks	35
(51.16)	413	Organic Liquid Loading	36
(51.16)	414	Effluent Oil Water Separators	37
(51.21)	415	Reduction of Animal Matter	38
(51.13)	416	Open Burning	38
(2.0)	417	Exceptions	39
(51.13)	417.1	Agricultural Burning	40
(51.9)	418	Incinerator Burning	46

Revised Standard Subject Index	Reg-Section Number	Title	Page
(50.7)	Section 419	Nuisance	46
(2.0)	420	Exception	46
(51.1)	421	Orchard Heaters	46
-	Reg. V	Procedure Before The Hearing Board	47
(2.0)	Section 501	Applicable Articles of the Health and Safety Code	47
(2.0)	502	General	47
(2.0)	503	Filing Petitions	47
(2.0)	504	Contents of Petitions	48
(5.0)	505	Petitions For Variances	49
(2.0)	506	Appeal From Denial	50
(2.0)	507	Failure To Comply With Rules	50
(2.0)	508	Answers	50
(2.0)	509	Dismissal of Petition	50
(16.0)	510	Place of Hearing	50
(16.0)	511	Notice of Hearing	51
(2.0)	512	Evidence	51
(2.0)	513	Preliminary Matters	51
(2.0)	514	Official Notice	52
(2.0)	515	Continuances	52
(2.0)	516	Decision	52
(2.0)	517	Effective Date of Decision	52
(3.0)	518	Lack of Permit	52

SUMMARY SHEET

OF

EPA - APPROVED REGULATION CHANGES

TULARE COUNTY, APCD

Submittal	Approval	Description
6/30/72	9/22/72	All regs. unless otherwise stated
10/23/74	8/22/77	Rules 102, 103, 108.1, 110, 112-114, 302, 401, 404-406, 407.3, 408, 410, 410.1, 410.2, 411, 420, 503-505, 515. Note: 407.3 is disapproved. Note: For Federal purposes use 6/30/72 submittal of Rule 407
1/10/75	8/22/77	Rules 417, 417.1 (a-d), e2, f
4/21/76	7/26/77	Rule 412, 412.1
11/10/76	9/21/77	Rule 102, 103, 103.1, 104, 105, 110, 112, 115, 305, 402 (a-e, g), 405, 407.1, 407.3, 409, 417.1, 421. Note: 407.3 disapproved. Rule 407 of 6/30/72 in effect. 407.1(b) and 402(e) were disapproved.

REGULATION I

GENERAL PROVISIONS

(2.0) SECTION 101

TITLE

These rules and regulations shall be known as the Rules and Regulations of the Tulare County Air Pollution Control District.

(1.0) SECTION 102

DEFINITIONS

Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Capter 2, Division 20, of the Health and Safety Code.

a. Air Contaminant: "Air Contaminant" means any discharge, release, or other propagation into the atmosphere directly or indirectly, caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors or particulate matter, or any combination thereof. (Revised 8/31/76)

b. Alteration: Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or affect the kind or amount of air contaminants emitted.

c. Atmosphere: "Atmosphere" means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

d. Board: "Board" means the Air Pollution Control Board of the Air Pollution Control District of Tulare County.

e. Combustible Refuse: "Combustible Refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

f. Combustion Contaminants: "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning

of any kind of material containing carbon in a free or combined state.

g. Control Officer: "Control Officer" means the Air Pollution Control Officer of the Air Pollution Control District of Tulare County.

h. District: "District" is the Air Pollution Control District of Tulare County.

i. Dusts: "Dusts" are minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

j. Emission: The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

k. Emission Point: The place at which an emission enters the atmosphere.

l. Flue: Means any duct or passage for air, gases, or the like, such as a stack or chimney.

m. Fumes: "Fumes" are minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or generated by sublimation, distillation; calcination, or chemical reaction, when these processes create air-borne particles.

n. Hearing Board: "Hearing Board" means the Hearing Board of the Air Pollution Control District of Tulare County.

o. Installation: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

p. Institutional Facility: "Institutional Facility" means any hospital, boarding home, school, corporation yard, or like facility.

q. Multiple-Chamber Incinerator: "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined

combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

r. Open Outdoor Fire: "Open Outdoor Fire" as used in this regulation means combustion of any combustible refuse or other material of any type outdoors in the open air not in any enclosure where the products of combustion are not directed through a flue.

s. Operation: Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

t. Owner: Includes but is not limited to any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

u. Particulate Matter: "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

v. Person: "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency of public district or any officer or employee thereof.

w. PPM: Parts per million by volume expressed on a gas basis.

x. Process Weight Per Hour: "Process Weight" is the total weight of all materials introduced into any specific source operation which operation may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one cycle of operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

y. Regululation: "Regulation" means one of the major subdivisions of the Rules of the Air Pollution Control District of Tulare

County.

z. Residential Rubbish: "Residential Rubbish" means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

aa. Rule: "Rule" means a rule of the Air Pollution Control District of Tulare County.

bb. Section: "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

cc. Source Operation: "Source Operation" means the last operation preceding the emission of an air contaminant, which operation

(a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels; and

(b) is not an air pollution abatement operation.

dd. Standard Conditions: As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

(14.0) SECTION 103

CONFIDENTIAL INFORMATION

All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any Air Pollution Control District or any other State or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents or uses such article, machine, equipment or other contrivance, are public records.

All air and other pollution monitoring data, including data compiled from stationary sources, are public records.

Trade secrets are not public records under this rule. Trade secrets

may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

All air pollution emission data, including those emission data which constitute trade secrets, as defined in the above paragraph, are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision, and data which constitute trade secrets and which are used to calculate emission data are not public records.

Any person furnishing any records may label as "trade secret" any part of those records which are entitled to confidentiality. Written justification for the "trade secret" designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.

Upon the receipt of an Application for "Confidential" Classification of Source Data, the Air Pollution Control Officer shall, within ten (10) working days, notify the applicant of his ruling. In cases of rejection, the Air Pollution Control Officer shall promptly notify the person making the justification, in writing, that the records in question shall, within twenty-one (21) days be subject to public inspection unless a justification is received and accepted. (Added 8/31/76)

(14.0) SECTION 103.1

INSPECTION OF PUBLIC RECORDS

The Air Pollution Control Officer shall within ten (10) working days make available records requested. If, for good cause, the information cannot be made available within the ten (10) working days, the Air Pollution Control Officer shall notify the requesting person the reasons for the delay and when the information will be available. (Added 8/31/76)

The Air Pollution Control Officer may require the requests for public records to be specific and in sufficient detail so that the information may require the requests for public records to be specific and in sufficient detail so that the information may be readily identified. (Added 8/31/76)

(15.0) SECTION 104

ENFORCEMENT

These rules and regulations shall be enforced by the Control Officer under authority of Sections 40752, 40753, 40702, and 40001; and all officers empowered by Section 40120.

(16.0) SECTION 105

ORDER OF ABATEMENT

The Air Pollution Control Board may, after notice and a hearing, issue or provide for the issuance by the Hearing Board, after notice and a hearing of an order for abatement whenever the District finds that any person is in violation of Section 41700 or 41701, or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board, in holding hearings on the issuance of order for abatement, shall have all powers and duties conferred upon the Hearing Board by Division 26, Health and Safety Code, State of California. The Hearing Board, in holding hearings on the issuance of orders for abatement, shall have all powers and duties conferred upon it by Division 26, Health and Safety Code, State of California. Any person who intentionally or negligently violates any order of abatement issued by any type of Air Pollution Control District pursuant to Sections 42450 and 42451 or by the Sate Air Resources Board pursuant to this part shall be liable for a civil penalty, not to exceed six thousand dollars ($6,000) for each day in which such violation occurs.

(2.0) SECTION 106

LAND USE

As part of his responsibility to protect the public health and property from the damaging effects of air pollution it shall be the duty of the air pollution control officer to review and advise the appropriate planning authorities within the district on all new construction or changes in land use which the air pollution control officer believes could become a source of air pollution problems.

(9.0) SECTION 107

INSPECTIONS

Inspections shall be made by the enforcement agency for the purpose of obtaining information necessary to determine whether air pollution sources are in compliance with applicable rules and regulations, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources.

(9.0) SECTION 108

SOURCE MONITORING

Upon the request of the control officer and as directed by him, the owner of any source operation which emits or any emit air contaminants, for which emissions limits have been established, shall provide the following:

(a) Sampling ports

(b) Safe sampling platforms

(c) Safe access to sampling platforms

(d) Utilities for sampling equipment

(e) Information and records which will enable the control officer to determine when a representative sample can be taken.

In addition, when requested by the control officer, the owner shall provide, install, and operate continuous monitoring equipment on such operations as directed. The equipment shall be capable of monitoring emission levels within $\pm$ 20% with confidence levels of 95%. The owner shall maintain, calibrate, and repair the equipment and shall keep the equipment operating at design capabilities.

Records from the monitoring equipment shall be kept by the owner for a period of two years, during which time they shall be available to the control officer in such form as he directs.

In the event of a breakdown of monitoring equipment, the owner shall notify the control officer immediately and shall initiate repairs. The owner shall inform the control officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event:

(9.0) SECTION 108.1

SOURCE SAMPLING

Upon the request of the Control Officer and as directed by him, the owner of any source operation which emits or may emit air contaminants, for which emission limits have been established, shall provide the following facilities, constructed in accordance with the general industry safety order of the State of California:

(a) Sampling ports

(b) Sampling platforms

(c) Access to sampling platforms

(d) Utilities for sampling equipment

The owner of such a source operation, when requested by the Control Officer, shall provide records or other information which will enable the Control Officer to determine when a representative sample can be taken.

In addition, upon the request of the Control Officer and as directed by him, the owner of such a source operation shall collect, have collected, or allow the Control Officer to collect, a source sample.

All source samples collected to determine the compliance status of an emission source shall be collected in a manner specified or approved by the Control Officer.

(15.0) SECTION 110

ARRESTS AND NOTICES TO APPEAR

Pursuant to the provisions of the Penal Code, Section 836.5, the officers and employees hereinafter set forth are authorized to arrest without a warrant and issue written notices to appear whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in their presence which is a violation of a rule or regulation of the Tulare County Air Pollution Control District, or a violation of Division 26 of the Health and Safety Code of the State of California, or any provision of the Vehicle Code relating to the emission or control of air contaminants:

Environmental Health Supervisor
Environmental Control Specialist
Air Pollution Control Engineer (Added 8/31/76)

(2.0) SECTION 111

CIRCUMVENTION

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces, dilutes, or conceals an omission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these Rules and Regulations. This section shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California or of Section 419 of these Rules and Regulations. Violation of Section 112 is a misdemeanor pursuant to the provisions of Section 24281 of the Health and Safety Code of the State of California.

(2.0) SECTION 112

CIRCUMVENTION

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces, dilutes, or conceals an emission which would otherwise constitute a violation of Division 26 of the Health and Safety Code of the State of California, or of these Rules and Regulations. This section shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California, or of Section 419 of these Rules and Regulations. Violation of Section 112 is a misdemeanor pursuant to the provision of Section 42400 of the Health and Safety Code of the State of California.

(2.0) SECTION 113

SEPARATION AND COMBINATION

(a) If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant, limited in these Regulations cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the exhaust gas volume through all emission points, unless the person responsible for the source operation establishes the correct total emitted quantity.

(b) If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonable susceptible to confirmation and use by the Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, these Regulations shall apply to each such source operation separately.

(c) If air contaminants from two or more source operations are combined prior to emission, and the combined emission cannot be separated according to the requirements of Section 113 (b), these Regulations shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by these Regulations on any of the source operations whose air contaminants are so combined.

(2.0) SECTION 114

SEVERABILITY

If any provision, clause, sentence, paragraph, section or part of these Regulations or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect or invalidate the remainder of this Regulation and the appliction of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Tulare County Air Pollution Control Board that these Regulations would have been adopted in any case had such invalid provision or provisions not been included.

(2.0) SECTION 115

APPLICABILITY OF EMISSION LIMITS

Whenever more than one section of these Rules and Regulations applies to any article, machine, equipment or other contrivance, the rule or combination of rules resulting in the smallest rate or smallest concentration of air contaminants released to the atmosphere shall apply unless otherwise specifically exempted or designated. (Added 8/31/76)

REGULATION II - PERMITS

(3.0) SECTION 201

PERMITS REQUIRED

(a) Authority to Construct - Any person building, altering or replacing any equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the air pollution control officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted, denied, or cancelled.

(b) Permit to Operate - Before any equipment described in Section 201(a) may be operated, a written permit shall be obtained from the air pollution control officer. No permit to operate shall be granted either by the air pollution control officer or the hearing board for any equipment described in Section 201 (a), constructed or installed without authorization as required by Section 201 (a), until the information required is presented to the air pollution control officer and such equipment is altered, if necessary, and made to conform to the standards set forth in Section 208 (standards for granting application) and elsewhere in these rules and regulations.

(c) Posting Of Permit To Operate - A person who has been granted under Section 201 (b) a permit to operate any equipment described in Section 201 (b), shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance, in such a manner as to be clearly visible and accessible. In the event that the equipment is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the equipment or maintained readily available at all times on the operating premises.

(d) Altering Of Permit - A person shall not wilfully deface, alter, forge, counterfeit, or falsify a permit to operate any equipment.

(2.0) Section 202

EXEMPTIONS

Any authority to construct or a permit to operate shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

(d) The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston type internal combustion engines.

4. Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensers.

5. Equipment used exclusively for steam cleaning.

6. Presses used exclusively for extruding metals, minerals, plastics or wood.

7. Equipment used exclusively for space heating, other than boilers.

8. Equipment used for hydraulic or hydrostatic testing.

9. Equipment used in eating establishments for the purpose of preparing food for human consumption.

10. Equipment used exclusively to compress or hold dry natural gas.

(e) The following equipment or any exhaust system or collector serving exclusively such equipment:

1. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

2. Brazing, soldering or welding equipment.

(f) Steam generators, steam superheaters, water boilers, water heaters and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British thermal units (BTU per hour (gross), and are fired exclusively with one of the following:

1. Natural gas

2. Liquefied petroleum gas

3. A combination of natural gas and liquefied petroleum gas

(g) Natural draft hoods, natural draft stacks or natural draft ventilators.

(h) Self propelled mobile construction equipment other than pavement burners.

(i) Other sources of minor significance which may be specified by the air pollution control officer.

(j) Agricultural implements used in agricultural operations.

(k) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

(l) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

(m) Identical replacements in whole or in part of any equipment where a permit to operate has previously been granted for such equipment.

(2.0) SECTION 203

TRANSFER

A permit shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) SECTION 204

APPLICATIONS

Every application for a permit required under Section 201 shall be filed in the manner and form prescribed by the air pollution control officer, and shall give all the information necessary to enable the air pollution control officer to make the determination required by Section 208 hereof.

(3.0) SECTION 205

CANCELLATION OF APPLICATIONS

(a) An authority to construct shall expire and the application shall be cancelled two years from the date of issuance of the authority to construct, after review by the air pollution control officer.

(b) An application for a permit to operate shall be cancelled two years from the date of filing of the application, after review by the air pollution control officer.

(3.0) SECTION 206

ACTION ON APPLICATIONS

The air pollution control officer shall act, within a reasonable time, on a permit application and shall notify the applicant in writing of his approval, conditional approval or denial.

(9.0) SECTION 207

PROVISION OF SAMPLING AND TESTING FACILITIES

A person operating or using any equipment for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the permit.

(3.0) SECTION 208

STANDARDS FOR GRANTING APPLICATION

(a) The air pollution control officer shall deny a permit except as provided in Section 209, if the applicant does not show that the use of any equipment, which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution

(b) Before a permit is granted, the air pollution control officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the permit. In the event of such a requirement, the air pollution control officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the general industry safety orders of the State of California.

(c) In acting upon a permit to operate, if the air pollution control officer finds that the equipment has been constructed not in accordance with the authority to construct, he shall deny the permit to operate. The air pollution control officer shall not accept any further application for permit to operate the equipment so constructed until he finds that the equipment has been constructed in accordance with the permit to construct.

(2.0) SECTION 209

CONDITIONAL APPROVAL

The air pollution control officer may issue an authority to construct or a permit to operate, subject to conditions which will bring the operation of any equipment within the standards of Section 208, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The air pollution control officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of Section 208 under revised conditions.

(3.0) SECTION 210

DENIAL OF APPLICATIONS

In the event of denial of an authority to construct or permit to operate, the air pollution control officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making

the service. The air pollution control officer shall not accept a further application unless the applicant has complied with the objections specified by the air pollution control officer as his reasons for denial of the authority to construct or permit to operate.

(2.0) SECTION 211

FURTHER INFORMATION

Before acting on an application for a permit the air pollution control officer may require the applicant to furnish information or further plans or specifications.

(3.0) SECTION 212

APPLICATIONS DEEMED DENIED

The applicant may at his option deem the permit denied if the air pollution control officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the air pollution control officer, whichever is later.

(2.0) SECTION 213

APPEALS

Within 10 days after notice, by the air pollution control officer, of denial of a permit, the applicant may petition the hearing board, in writing, for a public hearing. The hearing board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the air pollution control officer; such order may be made subject to specified conditions.

(2.0) SECTION 214

EXISTING SOURCES

Existing sources, where control equipment has been installed, that were in compliance and sources that are on a compliance schedule approved by the control district, on the effective date of Section 201, shall be issued a conditional permit to operate. The conditional permit to operate will not be valid if there is a significant change in the process or significant increase in production.

Existing sources, requiring the installation of control equipment, shall be issued a conditional permit to operate provided that an acceptable time for compliance is filed with the control officer. The time for

compliance shall include each of the following time: time for engineering, time for procurement, time for fabrication, and time for installation and adjustment. The control officer may require such periodic reports on each phase of the progress toward compliance. Failure at any phase to make reasonable progress toward completion of such installations as are required for final compliance shall be deemed an unreasonable delay in compliance and is subject to revocation of the conditional permit to operate.

REGULATION III

FEES

(3.0) SECTION 301

PERMIT FEE

(a) Filing Fee - Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate equipment for which a permit is required by (the State Law or) the rules and regulations of the air pollution control district, shall pay a filing fee of $20.00. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Section 208 and no alteration, addition or transfer of location has been made, the applicant shall pay only a $10.00 filing fee.

(b) Permit Fee - Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files application with the air pollution control officer, shall in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

(c) Cancellation Or Denial - If an application for an authority to construct or a permit to operate is cancelled, or if an authority to construct or a permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

(d) Transfer Of Location Or Owner - Where an application is filed for a permit to operate any equipment by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate had previously been granted for

such equipment under Section 201 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions as described in the fee schedules contained herein. Where the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only the amount of the filing fee required herein.

(e) Alteration of Equipment- Where an application is filed for an authority to construct or permit to operate exclusively involving revisions to the conditions of an existing permit to operate or involving alterations or additions resulting in a change to any existing equipment holding a permit under the provisions of Section 201 of these rules and regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such ratings, the applicant shall pay only the amount of the filing fee required herein.

(f) Permit Fee Penalty - After the provisions for granting permits as set forth in Chapter 2, Division 20, of the Health and Safety Code and the rules and regulations have been complied with, the applicant shall be notified by the air pollution control officer, in writing, of the fee to be paid for issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for 30 days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

(g) Permit Granted By Hearing Board - In the event that a permit to operate is granted by the hearing board after denial by the air pollution control officer or after the applicant deems has application denied, the applicant shall pay the fee prescribed in the following schedules within 30 days after the date of the decision of the hearing board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application.

(h) Annual Renewal Fee - Annually on the anniversary of the issuance of a permit to operate granted under Section 201, the permittee shall pay a renewal fee amounting to one-fourth of the initial permit fee under current fee schedules. The holder of permits with more than one anniversary date may adjust annual renewal payments to a single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not paid within 30 days after it becomes due, the fee shall be increased by one-half the amount thereof, and the air pollution control officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit shall be automatically revoked and the air pollution control officer shall so notify the permittee by mail.

(i) Multiple Locations - When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged. The anniversary date on which the annual renewal fee will be due will be that noted on the original permit.

(j) Duplicate Permit - A request for a duplicate permit to operate shall be made in writing to the air pollution control officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee of $2.00 shall be charged, except to any state or local governmental agency or public district, for issuing a duplicate permit to operate.

(3.0) SECTION 302

PERMIT FEE SCHEDULES

It is hereby determined that the cost of issuing permits, and of inspections pertaining to such issuance exceeds the fees prescribed herein. In determining the fees to be charged, the applicable equipment within each process that requires a permit will be totalled for each schedule. In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

SCHEDULE 1

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any equipment which may cause the emission of air contaminants where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in

accordance with the following schedule:

Horsepower				Fee
0	-	25	.....	$ 20.00
26	-	50	.....	28.00
51	-	100	.....	48.00
101	-	200	.....	76.00
201	-	400	.....	100.00
401	-	800	.....	148.00
801	-	1600	.....	200.00
1601	-	or greater	.....	252.00

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any equipment which may cause the emission of air contaminants in which fuel is burned, with the exception of incinerator which are covered in Schedule 4, shall be assessed a permit fee based upon the design.

Fuel Consumption Of The Equipment Expressed In British Thermal Units (BTU) Per Hour, Using The Gross Heating Value Of The Fuel, In Accordance With The Following Schedule:

1000 BTU PER HOUR				FEE
0	-	150	.....	$ 20.00
151	-	400	.....	28.00
401	-	650	.....	48.00
651	-	1,500	.....	76.00
1,501	-	2,500	.....	100.00
2,501	-	5,000	.....	148.00

1000 BTU Per Hour	Fee
5,001 - 15,000	$ 200.00
15,001 - and over	252.00

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any equipment which may cause the emission of air contaminants which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Amperes	Fee
Up to and including 45	$ 20.00
Greater than 45 but less than 145	28.00
145 or greater but less than 450	48.00
450 or greater but less than 1,450	60.00
1,450 or greater but less than 4,500	88.00
4,500 or greater but less than 14,500	148.00
14,500 or greater	252.00

SCHEDULE 4

INCINERATOR SCHEDULE

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

Area, in square feet	Fee
Up to and including 8 .....$	20.00

Area, in square feet	Fee
Greater than 8 but less than 16	$ 28.00
16 or greater but less than 27	36.00
27 or greater but less than 47	56.00
47 or greater but less than 90	76.00
90 or greater	112.00

SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container, the contents which may emit an air contaminant shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent, in accordance with the following schedule:

Gallons	Fee
Up to and including 5,000	$ 20.00
5,001 - 20,000	24.00
20,001 - 50,000	36.00
50,001 - 100,000	48.00
100,000 - 500,000	64.00
500,001 - 1,000,000	80.00
1,000,001 - Up	100.00

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which may cause the issuance of air contaminants as defined in Section 102 of the Rules and Regulations, which is not included in the proceding schedules shall be assessed a permit fee of $20.00.

(9.0) SECTION 303

ANALYSIS FEES - Whenever the air pollution control officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the air pollution control district. The time required for collecting samples, making the analysis, and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(14.0) SECTION 304

TECHNICAL REPORTS - CHARGES FOR - Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individual or groups requesting copies of the same may be charged for by the district in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said district.

(16.0) SECTION 305

HEARING BOARD FEES

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct, permit to operate, except any state or local governmental agency or public district, shall pay the clerk of the Hearing Board, on filing, a fee in the sum of $50.00. It is hereby determined that the cost of administration of Article 2, Chapter 4, Part 4, Division 26, Health and Safety Code exceeds $50.00 per petitition.

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

(c) This section shall not apply to petitions filed by the Air Pollution Control Officer.

REGULATION IV

PROHIBITIONS

(50.1.2) SECTION 401

VISIBLE EMISSIONS - A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is.

(a) As dark or darker in shade as that designated as No. 1 on the Rignelmann Chart, as published by the United States Bureau of Mines.

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of the Section.

(2.0) SECTION 402

EXCEPTIONS - The provision of Section 401 of these Rules and Regulations does not apply to:

(a) Smoke from fires set by or permitted by any public officer, if such fire is set or permission given in the performance the official duty of such officer and such fire in the opinion of such officer in necessary:

1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means; or

2. For the instruction of public employees in the methods of fighting fire.

(b) Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Agricultural operations necessary for the growing of crops or raising of fowl or animals. (Revised 8/31/76)

(d) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

(e) The use of other equipment in agricultural operations in the growing of crops, or the raising of fowl or animals.

(f) Smoke or fumes which result from acts of God.

(50.1.2) SECTION 403

WET PLUMES - Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Section 401 of these Rules and Regulations, that Section shall not apply. The burden of proff which establishes the application of this Section shall be upon the person seeking to come within its provisions.

(50.1) SECTION 404

PARTICULATE MATTER - A person shall not release or discharge into the atmoshpere from any source of single source operation particulate matter in excess of 0.1 grains per cubic foot of gas at standard conditions.

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight Rate Lbs./Hr.	Emission Rate Lbs/Hr.
50	0.36
100	0.56*
500	1.52*
1,000	2.34
5,000	6.34
10,000	9.74*
20,000	14.97*
60,000	29.57*
80,000	31.23*
120,000	33.33*
160,000	34.90*
200,000	36.17*
400,000	40.41*
1,000,000	46.79*

Interpolation of the data for the process weight rates up to 60,000 lbs./hr. shall be accomplished by the use of the equation:

$$E = 3.59\ p^{0.62}\ p = 30 \text{ tons/hr.}$$
(= to or less than)

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E = 17.31\ p^{0.16}\ p\ 30 \text{ tons/hr.}$$
(greater than)

Where: E = Emissions in pounds per hour.
P = Process Weight rate in tons per hour.

(51.3) SECTION 406

PROCESS WEIGHT - PORTLAND CEMENT KILNS

Cement kilns, the construction or modification of which is commenced after August 17, 1971 shall not discharge into the atmosphere particulate matter in excess to the Environmental Protection Agency Standards of Performance.

(50.2) SECTION 407

SULFUR COMPOUNDS

A person shall not discharge into the atmosphere sulfur compounds, whiich would exist as a liquid or gas at standard conditions, exceeding in concentration at the point of discharge: 0.2 percent by volume calculated as sulfur dioxide (SO_2).

(51.9) SECTION 407.1

DISPOSAL OF SOLID OR LIQUID WASTE

(a) A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, except as provided in paragraphs (b), (c) or (d) of this section, particulate matter in excess of 0.10 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions.

(b) A person shall not discharge into the atmosphere from any equipment whatsoever, used to process combustible refuse, except as provided in paragraph (d) of this section, particulate matter in excess of 0.30 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions.

(c) A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse, except as provided in paragraphs (a), (b), or (c) of this section, particulate matter in excess of 0.10 pounds per 100 pounds of combustible refuse charged.

Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded form the calculation to 12 percent of carbon dioxide (CO_2).

The provisions of this rule shall not apply to incinerators, approved by the governing fire control agency, used to dispose of residential rubbish by open burning as permitted by Section 417 of these Rules and Regulations.

(51.5) SECTION 407.2

FUEL BURNING EQUIPMENT - COMBUSTION CONTAMINANTS

A person shall not discharge into the atmosphere combustion contaminants exceeding in concentration at the point of discharge, 0.1 grain per cubic foot of gas caluclated to 12 percent of carbon dioxide (CO_2) at standard conditions.

(51.5) SECTION 408
(51.6)
(51.7) FUEL BURNING EQUIPMENT

A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

1. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);

2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

3. 10 pounds per hour of combustion contaminants as defined in Section 102 and derived from the fuel.

For the purpose of this Section, "Fuel Burning Equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equip-

ment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this section.

Nothing in this section shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emmissions.

(51.7) SECTION 409

FUEL BURNING EQUIPMENT - OXIDES OF NITROGEN

A person shall not discharge into the atmoshpere from any nonmobile fuel burning article, machine, equipment or other contrivance, having a maximum heat input rate of more than 1,775 million British Thermal Units (BTU) per hour (gross), flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO_2) at 3 percent oxygen, exceeding 125 parts per million when burning a gas fuel or exceeding 225 parts per million when burning a liquid or solid fuel, effective December 31, 1974. (Revised 8/31/76)

(50.4) SECTION 410

ORGANIC SOLVENTS

(a) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or nay material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 15 pounds in any one day.

(b) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in section (a), for employing, applying, evaporating or drying any photochemically reactive solvent, unless all organic materials discharged from such article, machine equipment, or other contrivance have been reduced either by at least 85 percent overall or to not more than 40 pounds in any one day.

(c) Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which is subjected to any combination of operations described in sections (a) or (b) involving any photochemically reactive solvent, as defined in section (k), or material containing such solvent, shall be subject to compliance with section (b). Where only non-photochemically reactive solvents are

employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operations described in section (a), said portions shall be collectively subject to compliance with section (a).

(d) Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in section (k), of any article, machine, equipment of other contrivance described in sections (a), (b) or (c), shall be included with the other emissions of organic materials from that article, machine, equipment of other contrivance for determining compliance with this section.

(e) Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in sections (a), (b) or (c), shall be included with other emission of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(f) Emissions of organic materials into the atmosphere required to be controlled by sections (a), (b), or (c), shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

2. Adsorption, or

3. Processing in a manner determined by the air pollution control officer to be not less effective than (1) or (2) above.

(g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, divices as specified in the authority to construct or the permit to operate, or as specified by the air pollution control officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(h) Any person using organic solvents or any materials containing organic solvents shall supply the air pollution control officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

(i) The provisions of this section shall not apply to:

1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

2. The use of equipment for which other requirements are specified by Sections 411, 412, 413 and 414 or which are exempt from air pollution control requirements by said sections.

3. The spraying or other employment of insecticides, pesticides or herbicides.

4, The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(j) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(k) For the purposes of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitation, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent:

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

3. A combination of ethylbenzene, ketons having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of any organic solvent may be classifed from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

1. For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(50.4) SECTION 410.1

ARCHITECTURAL COATINGS

(a) A person shall not sell or offer for sale for use in Tulare County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvents, as defined in Section 410 (k)

(b) A person shall not employ, apply, evaporate or dry in Tulare County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvents, as defined in Section 410 (k)

(c) A person shall not thin or dilute any architectural coating with photochemically reactive solvents, as defined in Section 410 (k).

(d) For the purposes of this rule an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

(50.4) SECTION 410.2

DISPOSAL AND EVAPORATION OF SOLVENTS

A person shall not during any one day dispose of a total or more than 1½ gallsons of any photochemically reactive solvent as defined in 410 (k), or of any material containing more than 1½ gallons of any such photochemically reactive solvent into the atmosphere.

(51.16) SECTION 411

STORAGE OF PETROLEUM PRODUCTS

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions, unless such tank,

reservoir or other container is a pressure tank maintaining working pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(a) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall no be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch or greater under actual storage conditions. All tank gauging and sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of precessing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

(c) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the air pollution control officer.

(51.16) SECTION 412

GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS

(a) A person shall not transfer or permit the transfer of gasoline into any stationary tank container installed after December 31, 1970, with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanently submerged fill pipe, unless such tank is equipped with a vapor loss control device or is a pressure tank.

The provisions of this section shall not apply to tanks which are used primarily for fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 36000) of the Vehicle Code, and were installed before June 1, 1974.

(b) A person shall not transfer or permit the transfer of gasoline from any tank, truck or trailer into any stationary container with a capacity of more than 250 gallons unless such container is equipped with a submerged fill pipe and unless 90 percent

by volume of the gasoline vapors displaced during the filling of the stationary container are prevented from being released to the atmosphere through the following process:

1. The displaced gasoline vapors or gases are processed by a system that included (1) vapor-tight liquid fill connector, (2) a vapor-tight vapor return line to the delivery vessel with a cross-sectional area at least 50% as great as that of the gasoline fill line, (3) a tank vent line properly sized and equipped with a vent discharge opening of 0.5 inch diameter or device approved by the Air Pollution Control Officer which will insure that the vapor return line is connected before gasoline can be transferred into the container, and (4) the vapor-laden delivery vessel being refilled only at facilities equipped with vapor recovery or disposal systems described in Section 413.

2. The displaced gasoline vapor or gases are processed by a system approved by the Air Pollution Control Officer and with a minimum recovery efficiency at leasr equivalent to that of the system described in Section 411 a, b, or c.

(c) The provisions of Section 412 (b) shall not apply to the following:

1. The transfer of gasoline into stationary storage containers used for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 et seq.) of the California Vehicle Code.

2. The transfer of gasoline into any stationary container having a capacity of 2,000 gallons or less which was installed prior to July 1, 1975.

3. Gasoline delivery vehicles which exclusively service storage containers which are exempt from the provisions of this Section.

4. Loading facilities exempted by Section 413 and gasoline storage tanks and delivery vehicles served from such loading facilities.

(d) A person shall not install any gasoline storage container with a capacity of more than 250 gallons unless such container is equipped as described in this section.

(e) For the purpose of this section, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of

four pounds or greater.

(f) For the purpose of this section, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

(g) Vapor-return and/or vapor recovery sustems used to comply with the provisions of this rule shall comply with all safety, fire, weights and measures, and other applicable codes and/ or regulations.

(h) The owner or operator of any stationary container which is subject to this rule and which is installed on or after July 1, 1975, shall comply with the provisions of this rule at the time of installation.

(i) If any stationary storage container subject to this rule is installed or in the process of being installed prior to July 1, 1975, the owner or operator of such container shall comply with the provisions of this rule by July 1, 1976, and shall comply with the following schedule:

1. By November 1, 1975--Apply for an authority to construct from the Air Pollution Control Officer for the installatior of the needed control system;

2. By January 1, 1976--Submit to the Air Pollution Control Office evidence that all necessary contracts for the design, procurement and installation of the required emission control system have been negotiated and signed, or evidence that order for the purchase of component parts necessary to accomplish the necessary emission controls have been issued.

3. By March 1, 1976-- Initiate on-site construction or installation of emission control equipment;

4. By June 1, 1976--Complete on-site construction or installation of emission control equipment; and

5. By July 1, 1976--Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

(51.16) SECTION 412.1

TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS

(a) A person shall not transfer gasoline or permit the transfer of gasoline into any motor vehicle fuel tank of greater than five gallons capacity unless the transfer is made through a fill nozzle designed to:

1. Prevent the discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle;

2. Direct vapor displaced from the automotive fuel tank to a system wherein at least 90% by volume of the organic compounds in displaced vapors are recovered; and

3. Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(b) If it is demonstrated that it is impractical to comply with the provisions of this rule as a result of vehicle fill neck configuration, location or other design features for vehicles in existence or in production on July 1, 1976, the Air Pollution Control Officer may find and order that the provisions of this rule shall not apply during the filling of such vehicles. In no case, however, shall such configuration exempt any gasoline dispensing facility from installing and using, in the most effective manner practicable, control equipment required by this rule.

(c) The provisions of Section 412.1 shall not apply to the following:

1. The fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 36000 et. seq.) of the Vehicle Code;

2. The transfer of gasoline from any stationary storage container having a capacity of 2,000 gallons or less which was installed prior to July 1, 1975; or

3. The transfer of gasoline from any stationary storage container of a capacity of 250 gallons or less;

4. The transfer of gasoline from any stationary storage container served from loading facilities exempted by Section 413.

(d) For the purpose of this rule the term "gasoline" is defined

as an petroleum distillate having a Reid vapor pressure of four pounds or greater.

(e) Gasoline dispensing eqiupment used to comply with the provisions this section shall comply with all applicable safety, fire, weights and measures and other applicable codes and/or regulations.

(f) Any gasoline dispensing system to the provisions of Section 412.1 installed on or after July 1, 1975, shall comply with the provisions of this section at the time of installation.

(g) Any gasoline dispensing system subject to the provisions of Section 412.1, installed or in the process of being installed prior to July 1, 1975 shall comply with the provisions of this section by May 3, 1977 and the owner or operator of such system shall comply with the following schedule:

1. By November 1, 1975-- Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system.

2. By January 1, 1976-- Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emissions control systems have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emissions control have been issued;

3. By March 1, 1976-- Initiate on-site construction or installation of emission control equipment;

4. By May 1, 1977-- Complete on-site construction or installation by emission control equipment; and

5. By May 31, 1977-- Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

(51.16) SECTION 413

ORGANIC LIQUID LOADING

A person shall not load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is eauipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer. Loading shall be

accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected. The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

(a) An absorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

(b) A vapor handling system which directs all vapors to a fuel gas system.

(c) Other equipment of an efficiency equal to or greater than (a) or (b) if approved by the Air Pollution Control Officer.

This section shall apply only to the loading of organic liquids having a vapor pressure of 1.6 psia or greater under actual loading condition at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading facility", for the purpose of this section, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(51.16) SECTION 414

EFFLUENT OIL WATER SEPARATORS

A person shall not use any compartment of any vessel or device operate for recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores, or handles hydrocarbons with a Reid vapor pressure of 0.5 pound or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:

(a) A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

(b) A floating pontoon or double-deck type cover, equipped with closure seals, to enclose any space between the cover's edge and compartment wall.

(c) A vapor recovery system which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

(d) Other equipment of an efficiency equal to or greater than a, b, or c, if approved by the Air Pollution Control Officer.

This section shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

(51.21) SECTION 415

REDUCTION OF ANIMAL MATTER

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

(b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicationg temperature, pressure or other operating conditions.

For the purpose of this section, "reduction is defined as any heated process including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

The provision of this section shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(51.13) SECTION 416

OPEN BURNING

No person shall burn any refuse or other material in an open outdoor fire within the boundaries of the Tulare County Air Pollution Control District.

(2.0) SECTION 417

EXCEPTIONS

The exceptions are as follows:

(a) When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or for the instruction of public or industrial employees in the methods of fire fighting.

(b) Safety flares for the combustion of waste gases.

(c) Fires used only for cooking of food for human beings.

(d) When the material to be burned is residential rubbish and originates on and is being burned on a premises located in a sparcely populated area of the county. Definition: A sparcely populated area is one in which there are 100 or fewer persons per square mile, or there are 28 or less houses in a square mile.

(e) Backfires or other fire control methods used for the purpose of controlling an existing wild fire.

(f) These exceptions shall not apply to any industrial, commercial or institutional facility wherever located, or to a residential facility constructed for the use of more than 2 families.

(g) Burning right of way clearing, levee and ditch bank maintenance, or open burning at dumps by a public entity or utility when a permit is obtained from the Control District. This exception shall be subject to all the provisions of Section 417.1.

(h) The Air Pollution Control Officer may upon his own motion or the request of any person authorize the burning of wood waste from trees, vines or bushes on property being developed for commercial or residential purposes, or the disposal by burning of brush cuttings on the property where the brush was grown when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard, provided the following conditions have been met:

1. The Air Pollution Control Officer must find that it is more desirable to dispose of the waste by burning than to

dispose of it by other available means. Such finding shall take into account the amount of waste to be burned, the season of the year, the ambient air quality, the proximity of the waste to developed areas, and whether a public nuisance will be created by the proposed burn.

2. Only material grown on the property may be burned. Material may not be imported from another site nor may construction debris or refuse be burned under this exception.

3. The prohibitions pertaining to agricultural burning set forth in Section 417.1 (b), must be complied with.

4. The Air Pollution Control Officer may not issue a permit to burn on a no burn day as designated by the Air Resources Board.

5. Only the amount of material that can be expected to burn during daylight hours may be burned in any one day. The Air Pollution Control Officer may not issue a permit to allow burning before sunup nor after sunset.

6. Burning under this section shall be by written permit issued by the Air Pollution Control Officer as well as a permit from the designated fire agency, and shall not be permitted when the wind direction is toward a populated area.

7. No permit may be granted pursuant to this section after January 1, 1977, or such earlier date as the Air Resources Board may determine, based upon a finding that an alternative method of disposal has been developed which is technologically and economically feasible.

(i) Conducting agricultural operations in the growing of crops or the raising of fowl, animals, or bees providing the conditions of Section 417.1 are met.

(51.13) SECTION 417.1

AGRICULTURAL BURNING

(a) GENERAL DEFINITIONS

1. "Agricultural burning" means:

A. Open outdoor fires used in agricultural operations in the growing of crops or the raising of fowl or animals, or open outdoor fires used in forest management, range improvement or the improvement of land for wildlife or game habitat, or disease or pest prevention.

B. Open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purpose specified in Part (A) of this definition. Section 41807 of the California Health and Safety Code shall not apply to such burning.

2. "Open burning in agricultural operations in the growing of crops or raising of fowl or animals" means:

A. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

B. In connection with operations qualifying under Subdivision A:

(1) This also includes, for the purpose of cultural practice burns, the burning of fence rows and ditch banks for weed control and weed abatement, and burning in nontillage orchard operations.

(2) The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are trays for drying raisins, and pesticide and fertilizer sacks which are emptied in the field.

3. "Range improvement burning" means the use of open forest to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

4. "Forest management burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

5. "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desicated with herbicides.

6. "Timber operations" means cutting or removal of timber or other forest vegetation for the purpose of producing commercial forest products.

7. "Silvicultural" means the establishment, development, care and reproduction of stands of timber.

8. "Board" means the State Air Resources Board, or any person authorized to act on its behalf.

9. "Designated agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.

10. A "No-Burn" day means any day on which agricultural burning is prohibited by the Board.

11. A "permissive burn" day means any day on which agricultural burning is not prohibited by the Board.

12. "District" means the Tulare County Air Pollution Control District.

13. "Approved ignition devices" includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners and flares, but does not include the use of tires, tar paper, oil, and other similar materials.

(b) PROHIBITIONS -- GENERAL

1. No person shall knowingly set or permit agricultural burning unless he has a valid permit from the fire control agency designated by the local Air Pollution Control Board to issue such permits in the area where the agricultural burn will take place.

   A. Each fire control agency so designated by the Board shall issue agricultural burning permits subject to

the Rules and Regulations of the Board and of the Tulare County Air Pollution Control District. The fire control agency designated by the Board having jurisdiction over the site of the agricultural burn and the air pollution control district shall enforce these regulations.

2. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

3. A permit shall not be issued to an applicant unless information is provided as required by the Air Pollution Control District.

4. No burn shall be conducted unless a notice of intent is given by the permittee to the fire control agency having jurisdiction over the site of the proposed burn.

5. A permit shall not be valid for any day during a period in which agricultural burning is prohibited by the Board.

6. A permit shall not be valid for any day in which burning is prohibited by the designated fire control agency having jurisdication over the site of the burn for the purposes of fire control or prevention.

7. No material shall be burned unless it is free of tires, rubbish, tar paper, construction debris, used pesticide containers (except sacks) and any material that is not produced in any agricultural operation.

8. Material stacked for burning shall not be burned unless it is loosely stacked in such a manner as to promote drying and insure combustion with a minimum of smoke production.

9. Agricultural wastes shall not be burned unless it is free of excessive dirt, soil and visible surface moisture.

10. No material to be burned shall be ignited with an unapproved ignition device.

11. Material shall not be burned unless it has been allowed to dry for the following minimum time periods:

    A. Open burning in agriucltural operations

(1)	Rice Stubble:	4 days following harvest
(2)	Dry Cereals:	0 days
(3)	Prunings and Small Branches:	3 weeks
(4)	Large Branches and Trees	6 weeks

B. Range improvement burning

(1) Treated Brush and Unwanted Trees: as required by the designated agency issuing the permit.

C. Forest management burning

(1) As required by designated agency issuing the permit.

12. No material shall be burned except during daylight hours, and all burning shall be terminated by sunset of each day. No material shall be added to an existing fire after two hours prior to sunset, (unless an exception has been granted).

13. No agricultural burning shall be permitted which will create a nuisance as defined in Section 24243 of the California State Health and Safety Code.

14. All burning shall be ignited as rapidly as practicable within applicable fire control restrictions.

15. The Air Pollution Control Officer may restrict agricultural burning to selected permittees on designated Burn Days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions.

(c) PROHIBITIONS -- RANGE IMPROVEMENT BURNING

1. Between January 1 and May 31, range improvement burning may be conducted by permit on a No-Burn Day, providing that more than 50 percent of the land has been brush treated. Notwithstanding the provision in Subdivision 1 of this Section, the Board may prohibit range improvement burning during the period designated by the district if in the opinion of the Board, such prohibition is required for

the maintenance of suitable air quality.

2. If the burning is to be done primarily for improvement of land for wildlife and game habitat, no permit shall be issued unless the applicant has filed with the district a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

3. No burning shall be conducted unless brush has been treated and unwanted trees felled whenever it is economically and technically feasible to do so, and drying times as specified in b., 11 B (Section 417.1) shall be adhered to.

(d) PROHIBITIONS -- FOREST MANAGEMENT BURNING

1. Unless good silvicultural practice dictates otherwise, material shall not be burned until it has been windrowed or piled where possible.

(e) EXCEPTIONS

1. Exception to paragraph (A) Section II-E and II-K. The Air Pollution Control Officer may grant an exception to allow burning on a Non-Burn Day so designated by the Board, and in certain situations to allow burning to continue past sunset of each day.

   The granting of an exception does not exempt the applicant from any other district or fire control regulation. The applicant shall submit in writing, on the form provided, his reasons for the exception. The Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisor, or other informed sources.

2. Agricultural burning at 4,000 feet or more above sea level is exempt from Paragraph (B) Section II-E

3. Empty sacks which contain pesticides or other toxic substances, may be burned on a No-Burn Day providing the sacks are within the definition of "open burning in agricultural operations in the growing of crops or raising of fowls or animals."

(f) PENALTY

1. A violation of the provisions of these Rules and Regulations

is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

(51.9) SECTION 418

INCINERATOR BURNING

A person shall not burn in any incinerator within the County Air Pollution Control District except in a multiple chamber incinerator as described in Section 102, or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. The incineration of residential rubbish as permitted in Section 417d shall be conducted in accordance with the Uniform Fire Code.

(50.7) SECTION 419

NUISANCE

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(2.0) SECTION 420

EXCEPTION

The provisions of Section 419 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(51.1) SECTION 421

ORCHARD HEATERS -

(a) DEFINITION - "Orchard Heater" means any article, machine, equipment, or other contrivance burning any type of fuel, or charcoal briquettes or similar substances burned by an open flame, capable of being used for the purpose of giving protection from frost damage. For the purpose of this section, "orchard heater" shall include heaters used for frost protection for orchards, vineyards, field crops and truck crops. The contrivance commonly known as a wind machine is not included.

(b) No new orchard heater produced or manufactured shall be sold for use against frost damage after January 1, 1971, unless it has been approved by the State Air Resources Board.

(c) No person shall use any orchard heater after January 1, 1973, unless it has been approved by the State Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(d) It shall be unlawful to sell, or offer to sell, for frost protection any orchard heater which does not comply with Section 421(c) of these Rules and Regulations.

(e) All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning, they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.

(f) It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or other substance containing rubber or to burn oil or other combustible substances in drums, pails or other containers except orchard heaters.

REGULATION V

PROCEDURE BEFORE THE HEARING BOARD

(2.0) SECTION 501

APPLICABLE ARTICLES OF THE HEALTH AND SAFETY CODE

The provisions of Article 5 and Article 6, Chapter 2, Division 20 of the State of California Health and SafetyCode, respectively entitled Variances and Procedure.

(2.0) SECTION 502

GENERAL

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) SECTION 503

FILING PETITIONS

Request for hearing shall be initiated by the filing of a petition in triplicate with the clerk of the hearing board, and the payment of the fee of $50.00 provided for in Section 305 of these Rules and Regulations, after service of a copy of the petition has been made on the air pollution

control officer and one copy of the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(2.0) SECTION 504

CONTENTS OF PETITIONS

Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive of notices.

(b) Whether the petitioner is an individual, co-partner, corporation or other entity, and names and addresses of the partners if a co-partnership, names and addresses of the officers, if a corporation, and the names and addresses of the persons in control, if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

(e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

1. To determine whether a permit shall be revoked or suspended permit reinstated under Section 24274, Health and Safety Code of the State of California;

2. For a variance under Section 24292, Health and Safety Code;

3. To revoke or modify a variance under Section 24298, Health and Safety Code;

4. To review the denial or conditional granting of an authority to construct or permit to operate under Section 201 of these Rules and Regulations.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign.

(g) Petitions for revocation of permits shall allege in addition the Section under which permit was granted, the Rule or Section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege in addtion the section under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and if so, when it will be furnished.

(i) All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of a least one inch at the top and left side of each sheet.

(5.0) SECTION 505

PETITIONS FOR VARIANCES

In addition to the matters required by Section 504, petitions for variance whall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule, or order is unreasonable.

(c) For what period of time the variance is sought and why. Include a compliance schedule which shows the sates when the following milestones will be or were completed:

1. Submission of final control plans,

2. Issuance of contracts or purchase orders for the process and control equipment,

3. Initiation of on-site construction of process or control equipment,

4. Completion of process and control equipment and

5. Final compliance

(d) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(g) Whether or not operations under such variance, if granted, would constitute a nuisance.

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(i) Whether or not the subject equipment or process is covered by a permit to operate issued by the air pollution control officer.

(2.0) SECTION 506

APPEAL FROM DENIAL

A petition to review a denial or conditional approval of a permit shall, in addition to the matters required by Section 504, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) SECTION 507

FAILURE TO COMPLY WITH RULES

The clerk of the hearing board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions unless the chairman or any two members of the hearing board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the hearing board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) SECTION 508

ANSWERS

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under section 503.

(2.0) SECTION 509

DISMISSAL OF PETITION

The petitioner may dismiss his petition at any time before submission of the case to the hearing board, without a hearing or meeting of the hearing board. The clerk of the hearing board shall notify all interested persons of such dismissal.

(16.0) SECTION 510

PLACE OF HEARING

All hearings shall be held at a place designed by the hearing board.

(16.0) SECTION 511

NOTICE OF HEARING

The clerk of the hearing board shall mail or deliver a notice of hearing to the petitioner, the air pollution control officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under sections 24275, 24295, or 24299, Health and Safety Code.

(2.0) SECTION 512

EVIDENCE

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights:
to call and examine witnesses;
to introduce exhibits;
to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination;
to impeach any witness regardless of which party first called him to testify;
and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissable over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevent and unduly repetitious evidence shall be excluded.

(2.0) SECTION 513

PRELIMINARY MATTERS

Prelimianary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any two members of the hearing board without a hearing or meeting of the hearing board and without notice.

(2.0) SECTION 514

OFFICIAL NOTICE

The hearing board may take official notice of any matter which may be judicially noticed by the courts of this state.

(2.0) SECTION 515

CONTINUANCES

The chairman or any two members of the hearing board shall grant any continuance of 30 days or less, concurred in by petitioner, the air pollution control officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the hearing board and without prior notice.

(2.0) SECTION 516

DECISION

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the hearing board. A copy shall be mailed or delivered to the air pollution control officer, the petitioner and to every person who has filed an answer or who has appeared a a party in person or by counsel at the hearing.

(2.0) SECTION 517

EFFECTIVE DATE OF DECISION

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in rule or the hearing board may order that the decision shall become effective sooner.

(3.0) SECTION 518

LACK OF PERMIT

The hearing board shall not receive or accept a petition for a variance for the operation or use of any equipment until a permit has been granted or denied by the air pollution control officer; except that an appeal from a denial or a permit and a petition for a variance may be filed with the hearing board in a single petition. A varinace granted by the hearing board after a denial of a permit by the air pollution control officer may include a permit for the duration of the variance.